

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
711 NORTH GALLOWAY
12:30 P.M. – DECEMBER 3, 2007

Discuss the items on the Regular Agenda and discuss: (1) election process outlined in Article IV, Section 10 of the Mesquite City Charter and (2) Medical Health Insurance Fund results.

EXECUTIVE SESSION – 12:30 P.M.
711 N. GALLOWAY – CITY COUNCIL CONFERENCE ROOM

- (1) **PENDING AND CONTEMPLATED LITIGATION (See Notice of Executive Session - Litigation For Listing of Subjects.)**
- (2) **APPOINTMENT AND EVALUATION OF PUBLIC OFFICIALS (See Notice of Executive Session - Personnel Matters For Listing of Subjects.)**
- (3) **COMMERCIAL OR FINANCIAL INFORMATION REGARDING A BUSINESS PROSPECT OR PROJECT (See Notice of Executive Session – Economic Development for Subjects.)**

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBER
3:00 P.M.

INVOCATION

(John Schelter, Pastor, Our Savior Lutheran Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Gary Overshown, Christian Ruiz, Cierra Harris and Tiffany Bowman, fourth grade students from Rutherford Elementary School.)

SPECIAL ANNOUNCEMENTS

(This time is reserved for special announcements and recognition of individuals or groups.)

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CITIZENS FORUM

(At this time a number of citizens not to exceed ten (10) shall be allowed to speak on any matter other than personnel matters, matters under litigation or matters concerning the sale, purchase, exchange or lease of real property for a length of time not to exceed three (3) minutes on a first come – first served basis. No Council action or discussion is to be taken until such matter is placed on the Agenda and posted in accordance with law.)

CONSENT AGENDA

(All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the City Council or any individual wish to discuss any item, said item may be removed from the Consent Agenda by motion of the City Council.)

1. Minutes of the regular City Council meeting held November 19, 2007.
2. An ordinance, on second reading, granting a gas franchise to Atmos Energy Corporation, Mid-Tex Division.
3. An ordinance amending Chapter 1 of the City Code regarding charge for producing records.
4. A resolution providing the Retirement Health Savings (RHS) plan to a specific group of employees, effective January 1, 2008, and ending current elective contributions, effective December 31, 2007, and authorize the City Manager to execute the agreement.
5. Bid No. 2008-028 – Annual Landscape Maintenance of the Creek Crossing Area Medians, Rights-of-Way and Landscape Areas.
(Staff recommends the City Manager be authorized to execute a contract with SLM Landscape and Maintenance in the amount of \$151,000.00.)
6. Bid No. 2008-042 – Four ¾-Ton Pickups.
(BuyBoard, sponsored by the Texas Local Government Purchasing Cooperative Contract, recommends award to Caldwell Country Chevrolet in Caldwell, Texas, in the amount of \$88,985.00.)
7. Authorize connectivity plan with AT&T Mobility through the State of Texas Department of Information Resources be changed to an unlimited data plan for the Public Safety Mobile Data System and the bandwidth speed be increased to a T1, in the amount of \$9,266.54 per month or a total of \$111,198.48 per year.

PUBLIC HEARINGS

8. Conduct a public hearing to consider an alternate screening method submitted by Richard King, RK Planning, for medical offices located at 1320 North Galloway Avenue.
9. Conduct a public hearing and consider an ordinance adopting the Mesquite Comprehensive Plan.
10. Conduct a public hearing and consider an ordinance amending the Mesquite Comprehensive Plan to create new land development policies for certain high intensity development areas to be called "Gateways," including but not limited to the "Big Town Gateway" located in the vicinity of Big Town Boulevard and the I 30 /U.S. Highway 80 junction and the "Northwest I 30 Gateway" located along I 30 at the northeast boundary of Mesquite and modifying the areas designated as appropriate for neighborhood convenience retail services within the boundaries of the Sherwood Forest Overlay District.
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

11. Consider appointment of two regular members to the Board of Adjustment for terms to expire October 14, 2008, and one alternate member for a term to expire October 14, 2009.
12. Consider appointment of five members to the Mesquite Housing Board for terms to expire December 3, 2008.
13. Consider appointment of one regular member to the Planning and Zoning Commission, Place 5, and Capital Improvements Advisory Committee, for a term to expire September 30, 2009, and two alternate members for terms to expire December 3, 2009.
14. Consider appointment of a Chairperson for the Rodeo City Tax Increment Finance Reinvestment Zone No. One Board of Directors to serve a one-year term beginning January 1, 2008.
15. Consider appointment of a Chairperson for the Towne Centre Tax Increment Finance Reinvestment Zone No. Two Board of Directors to serve a one-year term beginning January 1, 2008.

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16. Consider appointment of four members to the Falcon's Lair Tax Increment Finance Reinvestment Zone No. Four Board of Directors for terms to expire December 31, 2009, and appointment of a Chairperson to serve a one-year term beginning January 1, 2008.

Adjournment.

NOTICE OF EXECUTIVE SESSION

Pending and Contemplated Litigation:

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to consider pending and contemplated litigation subjects or settlement offers. The following cases/subjects may be discussed:

1. Graciela Aleman v. J. W. Abbott, Gary Westphal and the City of Mesquite – Filed 12-1-06
2. Marsha and Jerry Chambers v. State of Texas, County of Dallas, City of Mesquite, Jane/John Doe City of Mesquite Official in Individual Capacity, Officer D. R. McKee in Individual Capacity, Officer McKee in Official Capacity, Officer K. R. Griffin in Individual Capacity, Officer Griffin in Official Capacity, Jane Doe Dallas County District Attorney in Individual Capacity, Judge Danny Clancy in Individual Capacity – Filed 11-9-06
3. City of Mesquite, Texas v. DFW Convenience Stores, L.P., et al – Filed April 2006
4. J. Dale Hagler v. City of Mesquite – Filed 3-13-06
5. Daniel Hernandez dba Hernandez Heating & Air Conditioning v. Tywell Construction Company and City of Mesquite – Filed 7-27-06
6. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
7. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
8. Johnny Spencer v. City of Mesquite – Filed 2-6-07
9. City of Webster and the Webster Economic Development Corporation as Original Plaintiffs with the Cities of Denton, Humble, Lewisville, Mesquite, North Richland Hills and Plano, Denton County Transportation Authority and Fort Worth Transportation Authority as Third-Party Intervenors vs. Carole Keeton Strayhorn in her Official Capacity as Comptroller of Public Accounts for the State of Texas as Original Defendant with the City of Grand Prairie Added as a Party Defendant by the Intervenors – Filed 4-18-07

Personnel Matters:

Pursuant to Section 551.074 of the Texas Government Code, the City Council may consider the appointment, evaluation, employment, reassignment, duties, discipline or dismissal of the City Manager, City Attorney, Municipal Court Judge, City Secretary, members of the various City boards and commissions and other City employees. A complete list of the members of the City boards and commissions is on file in the City Secretary's office.

Economic Development:

Pursuant to Section 551.087 of the Texas Government Code, the City Council will meet in closed session to consider commercial or financial information regarding business prospects or projects. The following subject may be discussed:

1. Business incentive for a project in the Skyline Industrial District.

Following discussions in executive session, the City Council will reconvene in open session where any final action regarding executive session items will be taken.

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters posted on this agenda, when such executive session is authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development); Texas Tax Code Section 321.3022 (Sales Tax Information) and Texas Government Code Section 418.183(f) (Emergency Management).